

House Bill 324 (AS PASSED HOUSE AND SENATE)

By: Representatives Ralston of the 7<sup>th</sup> and Willard of the 49<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 3 of Title 5 of the Official Code of Georgia Annotated,  
2 relating to procedure for appeals to superior or state court, so as to require the payment of  
3 costs of the tribunal appealed from before hearing of an appeal in state court, in the same  
4 manner as currently required in superior court; to provide for related matters; to repeal  
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 3 of Title 5 of the Official Code of Georgia Annotated, relating to  
9 procedure for appeals to superior or state court, is amended by revising Code Section 5-3-22,  
10 relating to payment of costs and supersedeas on appeal to superior court, as follows:

11 "5-3-22.

12 (a) No appeal shall be heard in the superior or state court until any costs which have  
13 accrued in the court, agency, or tribunal below have been paid unless the appellant files  
14 with the superior or state court or with the court, agency, or tribunal appealed from an  
15 affidavit stating that because of ~~his~~ indigence he or she is unable to pay the costs on appeal.

16 In all cases, no appeal shall be dismissed in the superior or state court because of  
17 nonpayment of the costs below until the appellant has been directed by the court to do so  
18 and has failed to comply with the court's direction.

19 (b) Filing of the notice of appeal and payment of costs or filing of an affidavit as provided  
20 in subsection (a) of this Code section shall act as supersedeas, and it shall not be necessary  
21 that a supersedeas bond be filed; provided, however, that the superior or state court upon  
22 motion may at any time require that supersedeas bond with good security be given in such  
23 amount as the court may deem necessary unless the appellant files with the court an  
24 affidavit stating that because of ~~his~~ indigence he or she is unable to give bond."

25

**SECTION 2.**

26 All laws and parts of laws in conflict with this Act are repealed.